Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
14 March 2018

Original: English

Committee on the Elimination of Discrimination against Women

Concluding observations on the eighth periodic report of the Republic of Korea*

1. The Committee considered the eighth periodic report of the Republic of Korea (CEDAW/C/KOR/8) at its 1576th and 1577th meetings (see CEDAW/C/SR.1576 and CEDAW/C/SR.1577), held on 22 February 2018. The Committee's list of issues and questions is contained in CEDAW/C/KOR/Q/8 and the responses of the Republic of Korea are contained in CEDAW/C/KOR/Q/8/Add.1.

A. Introduction

2. The Committee appreciates the submission by the State party of its eighth periodic report. It also appreciates the State party's follow-up report (CEDAW/C/KOR/CO/7/Add.1) and its written replies to the list of issues and questions raised by the pre-sessional working group, as well as the oral presentation by the delegation and the further clarifications provided in response to the questions posed orally by the Committee during the dialogue.

3. The Committee commends the State party on its high-level delegation, which was headed by the Minister for Gender Equality and Family, Chung Hyun-back, and included representatives of the Ministry of Foreign Affairs, the Ministry of Gender Equality and Family, the Ministry of Justice, the Ministry of Education, the Ministry of Health and Welfare, the Ministry of Employment and Labour, the Ministry of Personnel Management, the Korean National Police Agency and the Permanent Mission of the Republic of Korea to the United Nations Office and other international organizations in Geneva.

B. Positive aspects

4. The Committee welcomes the progress achieved since the consideration in 2011 of the State party's seventh periodic report (CEDAW/C/KOR/7) in undertaking legislative reforms, in particular the adoption or amendment of the following:

* Adopted by the Committee at its sixty-ninth session (19 February–9 March 2018).

Please recycle

(a) Multicultural Families Support Act, revised in 2017, designed to aid migrant women in creating social support networks;

(b) Framework Act on Gender Equality, in 2014;

(c) Act on the Prevention of Sexual Assault and Protection, etc. of Victims Thereof, revised in 2012 and 2014;

(d) Labour Standards Act, revised in 2012 and 2014, extending maternity leave to women experiencing miscarriage or stillbirth prior to the sixteenth week of pregnancy;

(e) Equal Employment Opportunity and Work-Family Balance Assistance Act, revised in 2012 and 2014, raising the age limit for children under care, including adopted children, for purposes of determining parents' eligibility for childcare leave, to under the age of 9 years, encouraging parents to take childcare leave and requiring employers to receive sexual harassment prevention education along with their employees, with sanctions for non-compliance;

(f) Act on the Prevention of Sexual Trafficking and Protection, etc. of Victims Thereof, revised in 2012 and 2014;

(g) Act on the Prevention of Domestic Violence and Protection, etc. of Victims, revised in 2012, 2013 and 2014;

(h) Act on Special Cases Concerning the Punishment, etc. of Sexual Crimes, revised in 2011, 2012, 2013 and 2014.

5. The Committee welcomes the State party's efforts to improve its institutional and policy framework aimed at accelerating the elimination of discrimination against women and promoting gender equality, such as the adoption of the following:

(a) Midterm sectoral strategy, covering the period 2016–2020, of the Korea International Cooperation Agency;

(b) Second basic plan for gender equality policies, covering the period 2018–2022.

6. The Committee welcomes the fact that, in the period since the consideration of the previous report, the State party has acceded (in 2015) to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (Trafficking in Persons Protocol).

C. Parliament

7. The Committee stresses the crucial role of the legislative power in ensuring the full implementation of the Convention (see the statement by the Committee on its relationship with parliamentarians, adopted at the forty-fifth session, in 2010). It invites the National Assembly, in line with its mandate, to take the necessary steps regarding the implementation of the present concluding observations between now and the submission of the next periodic report.

D. Principal areas of concern and recommendations

Reservations

8. The Committee notes that continuing negotiations among relevant ministries of the State party regarding the withdrawal of its reservation to article 16 (1) (g) of the Convention will conclude in 2018.

9. **The Committee recalls its previous recommendation (CEDAW/C/KOR/CO/7, para. 11) and its statement on reservations, adopted at its nineteenth session, in 1998, and considers that the reservation to article 16 (1) (g) of the Convention is incompatible with the object and purpose of the Convention and that it is therefore impermissible and should be withdrawn.**

Visibility of the Convention, the Optional Protocol thereto and the Committee's concluding observations and general recommendations

10. The Committee takes note of the efforts of the State party to disseminate the Committee's previous concluding observations (CEDAW/C/KOR/CO/7), including by placing them before the National Assembly, and other awareness-raising efforts regarding the Convention and the Optional Protocol thereto. It is, however, concerned that such efforts have not targeted law enforcement officials, prosecutors and members of the judiciary and that women themselves are often not aware of their rights under the Convention or of the complaints procedure under the Optional Protocol and thus lack the capacity to claim their rights.

11. **The Committee reiterates its previous recommendation (CEDAW/C/KOR/CO/7, para. 13) and encourages the State party:**

(a) **To ensure the dissemination of the present concluding observations, the Convention and the Optional Protocol thereto and the Committee's general recommendations among all stakeholders, including government and law enforcement officials, prosecutors and members of the judiciary;**

(b) **To raise awareness among all women, in particular women belonging to disadvantaged groups, about their rights under the Convention and the procedures that they may follow under the Optional Protocol to claim violations of their rights;**

(c) **To promote capacity-building programmes for all relevant stakeholders, as stated, on the rights under the Convention.**

Definition of discrimination against women and discriminatory laws

12. The Committee notes with concern that the State party has yet to adopt a comprehensive anti-discrimination law, as recommended by the National Human Rights Commission of Korea in 2006 and 2016. The Committee takes note of the information provided by the State party during the dialogue indicating that action against discrimination, including on the grounds of sexual orientation and gender identity, would be taken and that the adoption of a general anti-discrimination law would be covered by the third national action plan, covering the period 2017–2021. It also notes with concern that a separate law on the prevention of discrimination based on gender has not been enacted since the repeal of the Gender Discrimination Prevention and Relief Act in 2005. The Committee further notes that, in 2015, the Ministry of Gender Equality and Family requested the Daejeon Metropolitan Council

to remove provisions related to lesbian, bisexual, transgender and intersex persons from its Basic Ordinance on Gender Equality.

13. **Reiterating its previous concluding observations (CEDAW/C/KOR/CO/7, para. 15), the Committee recommends that the State party adopt a comprehensive anti-discrimination law that prohibits discrimination against women, including direct, indirect and intersecting forms of discrimination affecting disadvantaged groups of women, such as women living in poverty, women belonging to ethnic, racial, religious and sexual minority groups, women with disabilities, women refugees and asylum seekers, stateless and migrant women, rural women, single women, adolescents and older women, as defined in article 1 of the Convention and in line with the Committee's general recommendation No. 28 (2010) on the core obligations of States parties under article 2 of the Convention.**

Extraterritorial State obligations

14. The Committee commends the State party for its efforts to mainstream gender into its international cooperation programmes. It takes note of its environmental policies, in particular those aiming to reduce fine dust by 30 per cent by 2022. It is, however, concerned that the State party's energy policies relating to fossil fuel and coal-fired power plants, which result in greenhouse gas and other emissions, negatively affect women, especially pregnant women, as they increase rates of female and child mortality.

15. **The Committee recommends that the State party review its energy and climate change policies to ensure that they do not have an adverse impact on the life and health of women and girls.**

National machinery for the advancement of women

16. The Committee welcomes the establishment in 2015 of the Gender Equality Committee operating under the authority of the Prime Minister, its reinvigoration in 2017 and the State party's plans to convert it into an overarching coordination body under the authority of the President. It also welcomes the designation in 2015 of gender equality policy officers in 47 central administrative organizations and 17 municipal and provincial government entities. The Committee is, however, concerned that merging responsibility for gender equality and family affairs issues under one Ministry for Gender Equality and Family may directly or indirectly entrench discriminatory stereotypes about the roles and responsibilities of women and men in the family and in society. Furthermore, the Committee is concerned that the Permanent Cooperative Body on Gender-responsive Budgeting involving the Ministry of Strategy and Finance lacks a legal framework and is staffed with only 10 officials.

17. **Recalling its general recommendation No. 6 (1988) on effective national machinery and publicity, the Committee recommends that the State party:**

(a) **Establish the Gender Equality Committee within the Office of the President and equip it with the necessary human, financial and technical resources and a clear mandate to coordinate the State party's national machinery for the advancement of women;**

(b) **Strengthen its mechanism on gender impact and analysis pursuant to the Gender Impact Analysis and Assessment Act, at all levels of government, by equipping it with adequate human, financial and technical resources;**

(c) **Enact a legal framework for the effective functioning of the Permanent Cooperative Body on Gender-responsive Budgeting involving the Ministry of Strategy and Finance and provide it with the necessary human, financial and technical resources.**

National human rights institutions

18. The Committee is concerned that the Gender Equality Division, newly created in 2018, is not equipped to deal with the sharply increasing number of petitions concerning discrimination against women.

19. **The Committee recommends that the State party reinforce the gender and women's rights mandate of the National Human Rights Commission of Korea and allocate sufficient human, financial and technical resources to strengthen its functions regarding gender-based discrimination.**

Temporary special measures

20. The Committee is concerned that the State party has been ranked among the lowest in the glass ceiling index of the 29 countries of the Organization for Economic Cooperation and Development (OECD) and that the five-year plans to enhance the representation of women in the public sector implemented since 2002 have yielded limited results with regard to the high-level participation of women in that sector. The Committee notes the modest targets in the plan for 2022 for the percentage of women employed in the workforce of 10 per cent at level 2 and above and 21 per cent at level 4 (division-head level) and above. It is further concerned that, in 2015, women represented only 28.7 per cent of principals at elementary schools, 23.2 per cent of principals at middle schools, 9.5 per cent of principals at high schools and 14.2 per cent of professors at public and national universities.

21. **The Committee recommends that the State party make use of temporary special measures, with a clear time frame, in line with article 4 (1) of the Convention and the Committee's general recommendation No. 25 (2004) on temporary special measures, to ensure the equal representation of women in high-level public posts, including in public schools and academia at all levels.**

Gender-based violence against women

22. The Committee notes the efforts of the State party to combat gender-based violence, including by establishing emergency hotlines and centres that provide interim shelter to victims, increasing social awareness of domestic violence as a crime and taking measures to strengthen prevention and protection. It welcomes the amendment to the Act on Special Cases concerning the Punishment, etc. of Sexual Crimes, which removed the requirement for victims of sexual violence to file a complaint in order to have their cases investigated and prosecuted. Nevertheless, the Committee notes with concern the following:

(a) That the current definition of rape in article 297 of the Criminal Code requires proof of "means of violence or intimidation" and that the Committee's previous recommendations to specifically criminalize marital rape in legislation, rather than only in case law (see CEDAW/C/KOR/CO/7, paras. 20 and 21 (e)), were not implemented;

(b) The increase in reported cases of domestic violence from 160,272 in 2013 to 264,528 in 2016; the increase in cases of domestic violence involving home protection under the Act on Special Cases concerning the Punishment, etc. of Crimes

of Domestic Violence from 494 in 2012 to 19,834 in 2016; the fact that 43.4 per cent of the 16,868 home protection cases in 2015 did not entail any criminal punishment, in view of the fact that the primary purpose of the Act is to maintain and restore the family; and that violators of restraining orders are subject only to administrative fines;

(c) The social stigma attached to, and the institutional prejudice against, victims of sexual violence, including the widespread misconception, generated in part by men's organizations, that reports of sexual violence are false, all of which deters women and girls from filing reports with the police; the bringing of defamation charges against victims who report to the authorities or notify confidants about violent sexual offences; and the consideration of the victims' sexual background as evidence in judicial proceedings, which leads to secondary victimization and silencing of victims;

(d) The significant increase over the previous 10 years in crimes involving sexual violence online; the low ratio of prosecutions and the lenient sanctions imposed on perpetrators; that the plans to have the Korea Communications Standards Commission delete and block criminal content upon the request of law enforcement agencies will serve only as a post-facto measure and not a preventive one; and the fact that those plans have not yet been implemented, such that victims of such crimes have to resort to costly "digital undertakers" to have such content removed from the digital space;

(e) The more than 2,100 complaints of sexual harassment in the workplace received by the Ministry of Employment and Labour between 2012 and 2016, resulting in a disproportionately low number of prosecutions (83 out of 1,674 cases between 2012 and 2015), including prosecutions for adverse measures taken by employers against victims of sexual harassment prohibited under article 14 (2) of the Equal Employment Opportunity and Work-Family Balance Assistance Act, owing to the fact that harm to the victim must be proved for prosecutions to stand, and that, failing such proof, the case is settled by payment of a fine for negligence; and insufficient monitoring of the State party's policies to prevent and protect against sexual harassment in the workplace;

(f) The high prevalence of sexual violence perpetrated against women, including by teachers, in public institutions such as schools, universities and the military;

(g) The reportedly insufficient services of counselling and psychological therapy centres and shelters for female "defectors" from the Democratic People's Republic of Korea.

23. **The Committee refers to its previous recommendations (CEDAW/C/KOR/CO/7, para. 21) and, taking into account its general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19, and recalling target 5.2 of the Sustainable Development Goals, recommends that the State party strengthen its efforts to combat gender-based violence against women and:**

(a) **Amend article 297 of the Criminal Code so as to place the lack of free consent of the victim at the centre of the definition and specifically criminalize marital rape;**

(b) **Amend the Act on Special Cases concerning the Punishment, etc. of Crimes of Domestic Violence, to ensure that the safety of the victims and their families becomes its primary purpose, by, among other things, extending its**

applicability to same-sex couples or families and all women, regardless of their sexual orientation or gender identity; abolish the system of suspending charges in home protection cases on condition of undergoing counselling or training on domestic violence, and prohibit the use of reconciliation and mediation in such cases; ensure that perpetrators are criminally punished under statutory sanctions; and adopt a policy of mandatory arrest for crimes of domestic violence in cases in which restraining orders are breached;

(c) Take all measures necessary to prevent the abuse of criminal proceedings precipitated by the bringing of false charges against victims of sexual abuse, including by ensuring free legal representation for their defence, and prohibit the use of the victim's sexual background as evidence in judicial proceedings;

(d) Strengthen preventive measures against online sexual violence, including by enacting legislation that explicitly criminalizes such new forms of sexual violence against women, consider penalizing with considerable financial sanctions providers of online platforms and online distributors that fail to delete or block criminal content from their platforms and swiftly implement the plans to have the Korea Communications Standards Commission delete and block such criminal content, including upon the request of victims;

(e) Establish an effective system of management and oversight for cases of sexual harassment in the workplace, in particular concerning small and medium-sized enterprises, with a focus on prevention, and ensure strict compliance with the amendment of 2017 to the Equal Employment Opportunity and Work-Family Balance Assistance Act providing for mandatory disciplinary measures against perpetrators;

(f) Ensure stricter punishment of perpetrators of sexual violence in public institutions, including schools, universities and the military, take steps against the reinstatement of perpetrators in their professional functions and provide for stricter confidentiality to facilitate reporting and counselling;

(g) Provide adequate financial resources to centres for women "defectors" from the Democratic People's Republic of Korea in order to provide for effective psychotherapy and counselling, including in cases in which they experienced sexual violence.

Trafficking and exploitation of prostitution

24. The Committee welcomes the ratification of the Trafficking in Persons Protocol and the adoption of article 296.2 of the Criminal Code, establishing limited universal jurisdiction for crimes of trafficking in persons. The Committee acknowledges the efforts made in providing support services to foreign women who are victims of trafficking. Nevertheless, the Committee remains concerned about the following:

(a) The absence of a comprehensive law on trafficking in persons, with aspects related to trafficking in persons remaining scattered across sectoral legislation;

(b) The situation of migrant women who enter the country on E-6-2 visas granted to allow work in the entertainment industry, who often become victims of trafficking and exploitation for prostitution, are vulnerable to sexual harassment, sexual violence and other crimes and are deported unless they actively engage in legal proceedings against their perpetrators, as well as the situation of women "defectors"

from the Democratic People's Republic of Korea who are forced into prostitution to provide for their families;

(c) The low rates of prosecution and conviction in cases of trafficking in women and girls, lenient sentences for perpetrators and the lack of disaggregated data on victims;

(d) The lack of a victim-centred approach to trafficking and exploitation of prostitution, given that women engaging in prostitution without coercion are subjected to criminal punishment, including as the result of sting operations by police officers who pose as sex customers, and that children, including girls, exploited for prostitution are not classified as victims and are subject to treatment and correctional education as "protected juveniles";

(e) The lack of information on exit programmes for women who wish to leave prostitution.

25. **The Committee reiterates its previous concluding observations (CEDAW/C/KOR/CO/7, para. 23) and recommends that the State party**:

(a) **Enact a comprehensive law on trafficking in persons that complies with the standards under the Trafficking in Persons Protocol of support for and protection of victims of trafficking, including foreign women and girls who require special protection and assistance on issues such as residence, stay and returning to their home countries;**

(b) **Revise the current E-6-2 visa regime and strengthen the monitoring of entertainment companies that recruit foreign women, including through in situ visits to establishments where women are working under that regime, take measures to ensure that the G-1 visa regime is applied to all female victims of trafficking, regardless of their willingness or ability to cooperate with the prosecutorial authorities, and design and implement policies on the basis of research into their living conditions that address the structural causes of women "defectors" from the Democratic People's Republic of Korea being forced into prostitution;**

(c) **Take adequate measures to increase the number of convictions of perpetrators of trafficking and abduction of women and girls, and take legislative measures to reduce the number of suspended criminal sentences;**

(d) **Adopt an approach centred on victims and human rights in efforts to combat trafficking and exploitation of prostitution with regard to women and girls;**

(e) **Design and implement exit programmes for women who wish to leave prostitution.**

"Comfort women"

26. The Committee recalls its concluding observations concerning Japan (CEDAW/C/JPN/CO/6, paras. 37–38, and CEDAW/C/JPN/CO/7-8, paras. 28–29) and welcomes the additional steps taken by the State party since the publication, on 27 December 2017, of the results of the review of the bilateral agreement of 28 December 2015 between the State party and Japan. It further notes the State party's intention to implement follow-up measures on the basis of a victim-centred approach, and the opposition of victims/survivors and their families to the Reconciliation and

Healing Foundation established under the bilateral agreement to distribute 1 billion yen received from Japan.

27. **The Committee recommends that the State party:**

(a) **Ensure that, in the implementation of the bilateral agreement announced jointly with Japan in December 2015, the State party takes due account of the views of the victims/survivors and their families;**

(b) **Ensure that the rights to truth, justice and redress of the victims/survivors and their families are fully upheld, including through rehabilitation and fair and adequate compensation to be afforded without delay.**

Participation in political and public life

28. The Committee notes with concern that, in 2016, only 17 per cent of the members of the National Assembly were women (compared with 15.7 per cent in 2012), whereas women accounted for 53.2 per cent of the 47 members elected on the basis of proportional representation (compared with 51.9 per cent in 2012) and by comparison accounted for only 10.3 per cent of the 253 local constituency-based members (compared with 7.7 per cent in 2012). It is particularly concerned that the provisions of the Public Official Election Act, which require that at least 30 per cent of candidates nominated by political parties for election to the National Assembly be women, are not accompanied by enforcement mechanisms, so that only 10.5 per cent of candidates in the general elections in 2016 were women. The Committee is further concerned that, despite the provisions of the Act requiring political parties to nominate at least one woman candidate for elections to the provincial or local government councils in every local constituency (excluding rural districts), women accounted for only 8.2 and 14.41 per cent of those elected to the provincial and local councils, respectively, in the elections in 2014.

29. **The Committee recommends that the State party consider increasing the number of seats in the National Assembly subject to proportional representation vis-à-vis the local constituency-based seats to increase the number of female parliamentarians and that it introduce mandatory and enforceable gender quotas, subject to fines, for political parties for the nomination of candidates for the National Assembly and provincial and local government council elections.**

30. The Committee notes with concern that, in 2017, women accounted for only 10.9 per cent of the total police force in the State party (compared with 9.9 per cent in 2015), owing to "sex-segregated recruitment practices", that only 5.7 per cent of them were employed in managerial positions, owing to reported gender-discriminatory placement and promotion policies, and that the National Police Agency reportedly revoked its decision, taken upon the recommendation of the National Human Rights Commission of Korea and the Police Reform Commission, to give priority to the recruitment of female regular police officers.

31. **The Committee recommends that the State party take the steps necessary to abolish the "sex-segregated recruitment" of police officers and take measures to increase the number of female police officers, including at the inspector level and above.**

Women and peace and security

32. The Committee welcomes the adoption of the first national action plan on women and peace and security, in 2014.

33. **The Committee recommends that the State party maintain its dedication to ensuring the effective implementation of Security Council resolution 1325 (2000) and subsequent resolutions on women and peace and security in addressing human rights abuses against women in conflict and post-conflict situations and the significant participation of women in peacebuilding, in line with the Committee's general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations.**

Nationality

34. The Committee notes with concern:

(a) The absence of a universal, compulsory birth registration system in the State party, which puts children of undocumented migrant women, in particular undocumented unmarried migrant women, at risk of statelessness, owing to the persistent gender-discriminatory social stigma attached to single mothers, and the failure by the National Assembly to adopt a draft law on the registration of children born to foreign parents, for lack of social consensus;

(b) The difficulties faced by migrant women married to male nationals of the Republic of Korea and the length of the naturalization process;

(c) That immigration officers at times still require migrant female applicants to furnish a sponsorship letter from a citizen of the Republic of Korea for the extension of legal residency, despite the enactment of a legal amendment in 2012 removing such a requirement.

35. **The Committee recommends that the State party:**

(a) **Adopt and implement the laws and procedures necessary for the registration of children born to foreign parents, including compulsory birth registration by hospitals and health-care professionals;**

(b) **Expedite the implementation of the measures necessary to ensure that the naturalization process for migrant women married to male nationals of the Republic of Korea is significantly shortened and is, in any event, concluded within the maximum length of legal residency in the State party;**

(c) **Strictly enforce the abolishment of the legal requirement of a sponsorship letter from a citizen of the Republic of Korea when applying for extension of residency, including through capacity-building and training of immigration officers.**

Education

36. The Committee welcomes the steps taken by the State party to increase the number of female students enrolling in non-traditional fields of study such as science and technology. However, the Committee is concerned that the national school sex education guidelines released in February 2015, implemented in every school since March 2017, focus on fertility and sanitation, reportedly entrench gender-discriminatory stereotypes in the prevention of sexual violence and depict a negative image of certain types of families such as single-mother families.

37. **The Committee encourages the State party to consider implementing more effective measures, including temporary special measures such as quotas for educational institutions and targeted grants or loans for women and girls aspiring to enrol in non-traditional fields of study. The Committee recommends**

that the State party revise its national school sex education guidelines by eliminating discriminatory stereotypes and providing information on sexual and reproductive health and rights in an age-appropriate, evidence-based and scientifically accurate manner.

Employment

38. The Committee is concerned about the persistence of the gender gap in pay (amounting to a difference of 35.4 per cent in 2016) in the State party, which remains the widest among all OECD countries. Furthermore, the Committee is concerned that 70.2 per cent of short-time workers in the State party are women, that there is no, or limited, protection for them under labour laws such as the Labour Standards Act and the Act on the Protection of Fixed-Term and Part-Time Workers and that they may enrol in the national pension scheme only as individually insured persons and in employment insurance programmes only after three months of continuous employment.

39. **The Committee reiterates its previous concluding observations (CEDAW/C/KOR/CO/7, paras. 31 and 33) and recommends that the State party:**

(a) **Strictly enforce the Equal Employment Act to implement the principle of equal pay for work of equal value, in particular by drastically increasing the capacity of the Ministry of Employment and Labour to investigate cases of gender gaps in pay, strictly impose sanctions for violations of the principle of equal pay for work of equal value and introduce a wage notification system for public and private companies;**

(b) **Enhance the protection of female short-time workers under the Labour Standards Act and the Act on the Protection of Fixed-Term and Part-Time Workers;**

(c) **Continue to conduct awareness-raising campaigns and expand benefits, such as by raising the benefit level for maternity and paternity leave so as to enhance the incentives to share child-rearing responsibilities between parents.**

Health

40. The Committee welcomes the efforts to improve health-care services for women, including the expansion of social and health-care services for older women with a low income. It is, however, concerned that the State party's policies on sexual and reproductive health and rights narrowly focus on the health of married and pregnant women and family health. The Committee is also concerned that access by transgender persons to medical services is reportedly restricted and that intersex persons are reportedly subjected to irreversible sex assignment surgery, sterilization or "genital normalizing surgery" without their informed consent.

41. **The Committee recommends that the State party review its health legislation and policies, in particular in relation to the sexual and reproductive health and rights of women, and take corrective action, if required, in order to advance substantive gender equality in the health sector to include all women subject to intersecting forms of discrimination. The Committee also recommends that the State party ensure that transgender persons have a right of access to medical services, including national health insurance coverage, and that intersex persons are not subjected to involuntary medical interventions.**

42. The Committee expresses its concern that, even though abortion is legal under certain circumstances, including under the Mother and Child Health Act in cases of rape and incest, it remains a punishable offence under the Criminal Code. In addition, the Committee is concerned that, in September 2016, the Ministry of Health and Welfare reportedly defined abortion, in violation of the Act, as an unethical medical practice, thereby subjecting health-care professionals to criminal punishment and medical licence suspension. The Committee, however, welcomes the fact that that policy measure was later withdrawn and in that regard takes note of the information provided by the State party indicating that the constitutionality of the criminalization of abortion was being considered by the Constitutional Court.

43. **The Committee reiterates its previous recommendation (CEDAW/C/KOR/CO/7, para. 35) and, in view of the fact that unsafe abortion is a leading cause of maternal mortality and morbidity, calls upon the State party to legalize abortion in cases of rape, incest, threats to the life and/or health of the pregnant woman, or severe fetal impairment, and to decriminalize it in all other cases, remove punitive measures for women who undergo abortion and provide women with access to high-quality post-abortion care, in particular in cases of complications resulting from unsafe abortions.**

Rural women

44. The Committee notes the efforts of the State party to incorporate gender equality policies into the fourth five-year framework plan to cultivate female farmers, covering the period 2016–2020, to recognize women as co-owners of their farms on equal terms with their husbands and to expand the participation of female farmers in the national pension scheme and improve their vocational capabilities. It is concerned, however, at the very low proportion of female directors in regional fisheries (5.7 per cent at the end of 2017) and agricultural cooperatives, despite legal requirements to appoint at least one female director if the number of women who are members reaches a 30 per cent threshold, which is an indication of the low level of membership of women in such cooperatives.

45. **In line with the Convention and its general recommendation No. 34 (2016) on the rights of rural women, the Committee recommends that the State party continue to improve the situation of rural women through appropriate measures, including by implementing the findings of the research project sponsored by the Korea Maritime Institute aimed at improving the participation and empowerment of women in the fisheries industry. The Committee also recommends that the State party take strong measures aimed at appointing more women as directors in fisheries and agricultural cooperatives, and ensure that women's voices are heard and gender concerns fully considered.**

Marriage and family relations

46. The Committee is concerned that article 781 (1) of the Civil Code maintains the patrilineal principle, as it stipulates that a child may assume the mother's surname only when the father so agrees at the time of marriage. The Committee is also concerned that, upon divorce, marital property is divided in accordance with each spouse's relative contribution, unless they agree otherwise in a contract. The Committee is further concerned that a reconciliation procedure is mandatory even in cases of divorce based on domestic violence and that the ideology of preservation of the intact family leads to the awarding of visitation rights and child custody to abusive

fathers. It is further concerned at the lack of social and economic protection afforded to women in de facto unions.

47. **The Committee calls upon the State party to amend article 781 (1) of the Civil Code to abolish the patrilineal principle in order to bring its laws into line with article 16 (1) (g) of the Convention. The Committee reiterates its previous recommendation (CEDAW/C/KOR/CO/7, para. 39) that the State party take legislative measures to incorporate a rule of equal distribution of marital property upon the dissolution of a marriage or de facto union, in line with the Committee's general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution. The Committee also calls upon the State party to ensure that victims of domestic abuse seeking divorce are not forced to undergo reconciliation attempts or mediation with their aggressors prior to a divorce being granted and that members of the judiciary receive adequate mandatory training on the requirement to take gender-based violence in the domestic sphere into account in child custody cases, and to give priority to the prosecution of crimes over family reconciliation, in order to adequately punish gender-based violence against women and prevent its recurrence. The Committee also recommends that the State party consider extending social and economic protection to women in de facto unions.**

Beijing Declaration and Platform for Action

48. **The Committee calls upon the State party to use the Beijing Declaration and Platform for Action in its efforts to implement the provisions of the Convention.**

2030 Agenda for Sustainable Development

49. **The Committee calls for the realization of substantive gender equality, in accordance with the provisions of the Convention, throughout the process of implementation of the 2030 Agenda for Sustainable Development.**

Dissemination

50. **The Committee requests the State party to ensure the timely dissemination of the present concluding observations, in the official language of the State party, to the relevant State institutions at all levels (national, regional and local), in particular to the Government, the ministries, the National Assembly and the judiciary, to enable their full implementation.**

Ratification of other treaties

51. **The Committee notes that the adherence of the State party to the nine major international human rights instruments[1] would enhance the enjoyment by women of their human rights and fundamental freedoms in all aspects of life. The Committee therefore encourages the State party to ratify the International**

[1] The International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Convention on the Rights of the Child; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; and the Convention on the Rights of Persons with Disabilities.

Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the International Convention for the Protection of All Persons from Enforced Disappearance, to which it is not yet a party.

Follow-up to the concluding observations

52. **The Committee requests the State party to provide, within two years, written information on the steps taken to implement the recommendations contained in paragraphs 13, 23 (b) and (d) and 25 (b) above.**

Preparation of the next report

53. **The Committee requests the State party to submit its ninth periodic report in March 2022. The report should be submitted on time and, in the event of delay, should cover the entire period up to the time of its submission.**

54. **The Committee requests the State party to follow the harmonized guidelines on reporting under the international human rights treaties, including guidelines on a common core document and treaty-specific documents (see HRI/GEN/2/Rev.6, chap. I).**